



MEMORANDUM

To: PLANNING COMMISSION

Date: May 22, 2007

From: COMMUNITY DEVELOPMENT DEPARTMENT

Subject: ZONING AMENDMENT, ZA 07-06: CITY OF MORGAN HILL-
CHANGES TO THE RESIDENTIAL DEVELOPMENT CONTROL
SYSTEM STANDARDS & CRITERIA

REQUEST

A request to amend Chapter 18.78 of the Morgan Hill Municipal Code, amending the evaluation standards and criteria for proposed residential developments as set forth in Sections 18.78.200 through 18.78.410 of the Municipal Code.

RECOMMENDATION

Open Public Hearing/Adopt Resolution approving final draft ordinance for adoption by the City Council.

Processing Deadline: November 17, 2007

BACKGROUND

Section 18.78.188(C) of the Residential Development Control System (RDCS) Ordinance requires the Planning Commission to review the standards and criteria following each competition, and to decide whether any changes or amendments are necessary for the next competition. A Subcommittee of the Planning Commission was appointed to evaluate the proposed changes which would be recommended to the City Council for adoption. The Subcommittee was comprised of three Planning Commissioners (Davenport, Lyle and Koepp-Baker) and a Working Group consisting of two developer reps (Dick Oliver with Dividend Housing and Scott Schilling with South Valley Developers), Lesley Miles representing the Downtown Association, Gary Walton (downtown property owner) and two Park and Recreation Commissioners, Mark Fredrick and Katharine Hart-Mason. Bonnie Tognazzini with the School District was also consulted on the changes to the Schools criteria. City Staff involved in the evaluation process were also consulted and provided input to the Subcommittee.

The following are the Subcommittee Work Plan items and other changes recommended by the Subcommittee. The Work Plan items are in *italic* typeface.

Part 1 Scoring Criteria

Streets and Parks:

Zero to 2 points are awarded based on a project's proximity to a city park. Distance from parks and the need to cross an arterial street need to be considered in the award of points (and whether consideration of this issue should be parallel to distances from a school and the need to cross an arterial).

The Subcommittee agreed that the scoring of this Part 1 criterion should be applied in the same manner that projects are scored for safe walking routes to schools applied in the Part 2 Schools Category. Walking distance to a park and whether one needs to cross an arterial street will factor into the zero to 2 points consideration.

Part 2 Scoring Criteria

Schools Category:

Criterion B1 – Payment of School District adopted developer fees. The School District recently increased the District's schools facilities fee from \$3.09 to \$4.95 per square foot. Points assigned to projects for payment of this fee in the Schools category will need to be reconsidered.

Criterion B4 – Change the requirement that on-site community rooms must be "specifically designed for . . . after school educational programs." During last year's Downtown Measure C competition, the Commission agreed that community rooms for after school programs do not need to meet the 960 square foot minimum room size required by the School District for school classroom instruction. Also, the School District did not provide this standard prior to the competition.

The Subcommittee recommends keeping the point value for Criterion B1 on page 1 of the attached Exhibit A at 16 points. The housing data the District used to establish the higher fee turned out to be wrong and upon reconsideration, the School District agreed to lower schools facilities fee by 50 cents a square foot. To off-set the lesser increase in this fee, the Subcommittee recommends lowering the per point per unit value in B3 from \$1,100 to \$825 per unit and increase the point value in B3 on page 3 from three points to four points.

Under Criterion B4 on page 4, the Subcommittee is recommending changes that will allow the size of the community room/class room to vary based on the student generation rate for the development. The on-site community room can vary from a minimum of 256 square feet to a maximum of 960 square feet depending on the number of students that would use the facility.

Other changes recommended in the Schools Category include adding “visitability” features to senior housing under B2.e and allowing adjacent related roadway improvements to be included in criterion B3.a for pedestrian and traffic safety improvements near schools.

Criteria B2.bi and B2.ci on page 6 were deleted because there is no easy way to determine whether a street “functions” as an arterial or collector street based on peak hour level of service.

B3b is recommended to be deleted because there are no remaining undeveloped residential parcels in the School District’s Mello-Roos District.

Open Space:

Criterion B1e – Should projects continue to receive the maximum two points for providing a plaque or other marker of an historical site versus maximum points for preserving and maintaining an historical site.

Criterion B2 – Change the building coverage definition to allow podium level courtyards that are open above to not count as part of the building coverage, or amend to award partial credit (60%) that the Commission agreed to award in last year’s competition.

Criterion B3 – Allow double payment of open space in-lieu fees to be used for maintenance of open space lands.

The Subcommittee recommends placement of a historical plaque or marker under criterion B1.e on page 5 be worth one-half point.

Criterion B2 on page 6 is recommended to be changed so that open plazas on a podium above ground level parking is excluded from the calculation for building coverage.

The City Attorney has advised that double fees under criterion B3 cannot be used for maintenance of open space lands. No changes to B3 are recommended.

Other changes recommended in the Open Space Category include reducing the number of points under B1.b on page 4 from three points to one point. At the request of the Park and Recreation Commission representatives in the Working Group, this amendment is the first of a series of changes recommended by the Subcommittee minimize the need for homeowner associations. Most of the changes relating to this topic appear in the Parks and Paths Category addressed in a following section of the memorandum.

B2.a and B2.b on page 5 are recommended to be changed to allow for greater parity between downtown projects, where higher density and building coverage is desired, and suburban single family projects, where greater open space is desired.

Criterion B4 on page 6 is recommended to be changed to lower the ratio for a TDC or payment

of the open space in-lieu fee from one TDC per 25 units to one TDC per 20 units. This change was requested by staff to increase the revenue available open space acquisition recommended in the Urban Limit Line Study. This 25 percent increase in the TDC fee was made "revenue neutral" by lower the fees on other scoring categories, for example in the School Category mentioned above.

Criterion B4.b on page 6 is recommended to be changed so that the eligibility for these points will apply to project of 50 units or less instead of projects of 24 units or less. This one of the series of changes to place less emphasis on the creation of private open space maintained by HOA's and greater emphasis on the creation of public parks and open space.

Orderly and Contiguous:

The Subcommittee recommends one point be subtracted under B2 on page 9 for the availability of sanitary sewer to serve the project. There is no reason why this should be a two point value while the water and storm drainage utilities are worth only one point. It is recommended the one point subtracted hear be added to criterion B5 on page 11 by subtraction the minus one point under the criterion and added a two point value for a superior project master plan design. The ~~strikeout~~ in the note following the B5 criterion on page 12 is required to reflect this scoring adjustment.

Public Facilities:

Criterion B2f – Should a minimum dollar value be applied to public art to receive points under this criterion.

Criterion B2g – Change "Public Facilities Non-AB 1600 fund" to Measure C Capital Improvements fund. The change will clarify that these funds are applied to capital improvements (streets and infrastructure, etc., and not public buildings.

The Subcommittee is not recommending a minimum dollar value be applied to public art and instead recommends projects contribute to a public art fund. It is also recommended that points be awarded under Bf for providing off-site storm drainage improvements and traffic calming features for pedestrian safety. Storm drainage improvements was added in Bf to replace the B2.e contribution to the Local Drainage Non AB1600 Fund that is recommended to be deleted on page 14 (a revenue neutral off-set to the increase in the TDC fee recommended in the Open Space category). A new B2.e is recommended to award points to projects that provide a site within the project boundary for a municipal water well.

The name of the capital improvements fund in criterion B2.g on page 15 was changed as noted in the Work Plan.

Parks & Paths:

Criterion B2 – Review the site recreation amenities list and point values as it would apply to vertical mixed use and higher density developments.

Criterion B4a – Consider amending to better define mid block pedestrian connections.

Amend the scoring criteria to award points for providing a path next to the West Little Llagas Creek in the Downtown.

As mentioned previously, changes in the Parks and Paths category reflect a desire to provide more public parks and fewer homeowner associations. In smaller developments, HOAs can be a burden to the residents because of the higher per unit cost for property management, insurance and maintenance of the common areas. Accordingly, the Subcommittee is recommending that B1 and B2 criteria on page 16 be amended to apply to projects of 50 units or less, instead of 24 units. The B1 change will encourage applicants with projects up to 50 units in size to pay the park fee instead of providing common open space maintained by an HOA. Under the existing criteria, projects between 25 and 50 units in size would not have this option.

Criterion B4.a on page 18 was changed to apply only to ground floor and the unrestricted access would only apply to during business hours to address building security concerns. Criteria B4.b and B4.c is recommended to be deleted because it exactly duplicates the criteria in B6.b and c in the Circulation Efficiency category.

The awarding of points for providing a path next to the West Little Llagas Creek in the Downtown was added in the Livable Communities category.

Housing Needs:

Criterion B2 – Clarify that non restricted moderate rate units must be sized to sell at market to a moderate income household. Also, that the final sales price of the dwelling units at close of escrow shall be based on HUD income guidelines.

The Subcommittee recommends that criterion B2 on page 20 be amended to add text that says to quality as a moderate income unit, the unit must be sized to sell in the market to a moderate income household.

Housing Types:

Amend the scoring criteria to encourage higher densities in the Downtown and to adjust the scoring for the number of bedrooms to limit downtown project to provide no more than 2 bedroom units and to recognize studio apartment and condominium units.

To encourage higher densities in the Downtown, the Subcommittee recommends adding larger vertical mixed use projects (projects greater than 15 units) as a housing type under criterion B1.a on page 24 and also recommend adding a new criterion B5 on page 28 that awards points to projects that provide a mix of studio, one and two bedroom units, and requiring each bedroom category to represent at least 20 percent of the total units.

The Subcommittee also recommends adding “visitability units” as a housing type under criterion B1.a on page 24. Visitability units are accessible dwellings that have one zero-step entrance on an accessible route; all main floor interiors, including bathrooms, with 32 inches of clear passage space; and at least a half bath on the main floor usable for a person in a wheelchair.

Quality of Construction:

Criterion B1 – Clarify that single building projects are eligible to receive the point because there are no elevation repeats. Specify that the building elevations must include provide variations. The issues came up with the Gunter Building on Monterey Road and two other projects.

Include criteria that will set goals for renewable energy, allow double plumbing for recycle/grey water use and incorporate green building standards.

The Subcommittee is recommending that a paragraph be added to criterion B1 on page 29 to clarify that single building projects will receive the point for no repeats in the building elevations.

Criterion B2 on page 30 was amended to eliminate points for energy efficiency features (B2.ai and iv) that will be a building code requirement at the time of the next RDCS competition. A new B2.av was added where all homes include energy-efficient features under the P.G. &E. Energy Star New Homes Program. The energy efficient features in this program are identified in scoring criterion.

To address water conservation and use of grey water, the Subcommittee recommend adding criterion B2.c on page 31 to award points for grey water system for outdoor irrigation. Points were also added for this item in the Natural and Environmental category.

Lot Layout and Orientation:

The Subcommittee recommends deleting the paragraph above criterion B2 on page 34 because it no longer applies to the current on-going RDCS projects.

Criteria B5 on page 35 was amended to accommodate buildings of more than three stories if allowed as part of the Downtown Plan update.

Criteria B7 on page 35 was amended to clarify what is meant by “shared parking.”

Circulation Efficiency:

The Subcommittee made some minor edits in this category to provide the correct references to criteria in other categories. Criterion B6.a on page 38 was amended similar to the changes to criterion B4.a in the Parks and Paths category. Also, because this category addresses circulation efficiency, the stipulation that the use of mid block pedestrian is limited only to access to plazas and private open space was eliminated.

Safety and Security:

No changes were recommended to the scoring criteria in this category.

Landscape and Lighting:

Amend criterion B2 to be consistent with the City's current Water Conservation Ordinance.

Criterion B2.d on page 42 was amended to reference use of the water conservation guides required under the City's Water Conservation Ordinance. To eliminate duplication, the Subcommittee recommends criterion B1e on page 41 be deleted and the street tree criterion be added to criterion B1.a. To make up the point loss under B1.e, it is recommended a half a points be added to B2.c (plus add the word pervious before "hardscape") and add a half point to B2.d.

Natural and Environmental:

Add criteria that will address Commissioner Davenport's objectives of restricting use of hazardous materials and stewardship.

To address Commissioner Davenport's objectives, the Subcommittee recommends amending criterion B1.b on page 44 to include use of bio-swales to filter rainwater run-off. To conserve water supply, criterion B1.e has been amended to include using artificial turf instead of natural grass and providing a grey water system for outdoor irrigation. To conserve energy, criterion B4 on page 45 has been amended to provide use of alternative power generation sources (sources other than just solar electric). The subcommittee also recommends the percent of the home electricity requirement provided by the alternative generation source be increased from 25 percent to 50 percent. It is also recommended that two additional points be made available under B4.b where the alternative power generation source is provided to all of the homes in the development. B4.a requires only to 50 percent of the homes to use alternative power sources.

As mentioned previously, criterion B2.b on page 45 in this category is also recommended to be amended to award points for appropriate creek side development next to the West Little Llagas Creek in the Downtown.

Livable Communities:

The Subcommittee recommends deleting criterion B2 on page 47 and renumbering the remaining criteria after B2 in this category. B2 duplicates points awarded under the Parks and Paths category and the one point awarded here minimized the value of the up to two points awarded by the Planning Commission in B1 on page 47 of this category. It is recommended that the renumber criterion B8 on page 48 also be reduced by one point (from two points to one point) for the same reason, to give greater value to the B1 criterion.

Attachments:

1. Resolution recommending amendments to the RDCS Evaluation Criteria
2. Exhibit A RDCS Zoning Text Amendments

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RESOLUTION NO.

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF MORGAN HILL RECOMMENDING
APPROVAL AN AMENDMENT TO CHAPTER 18.78 OF
THE MORGAN HILL MUNICIPAL CODE AMENDING
ARTICLE II OF THE STANDARDS AND CRITERIA AND
PROCEDURES OF THE RESIDENTIAL DEVELOPMENT
CONTROL SYSTEM.**

WHEREAS, such request was considered by the Planning Commission at their regular meeting of May 22, 2007, at which time the Planning Commission recommended approval of an amendment to the Residential Development Control System Standards and Criteria; and

WHEREAS, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

**NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES
RESOLVE AS FOLLOWS:**

SECTION 1. The proposed amendment is consistent with the Zoning Ordinance and the General Plan.

SECTION 2. The zoning text amendments are required in order to serve the public convenience, necessity and general welfare as provided in Section 18.62.050 of the Municipal Code.

SECTION 3. The Planning Commission hereby recommends amending Title 18, Chapter 18.78 of the Morgan Hill Municipal Code to include recommended modifications to the Residential Development Control System as contained in the attached Exhibit "A."

**PASSED AND ADOPTED THIS 22ND DAY OF MAY, AT A REGULAR MEETING OF
THE PLANNING COMMISSION BY THE FOLLOWING VOTE:**

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

RESOLUTION NO.
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ATTEST:

Frances Smith, Deputy City Clerk

APPROVED:

Robert J. Benich, Chair

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Exhibit A

Part 2. Specific Standards and Criteria

18.78.210 Schools.

A. "The provision of school facilities and amenities as attested by agreement with the Morgan Hill Unified School District (MHUSD) to the extent such consideration is not in conflict with state law.

..... **(25 points)"**

B. Standard and Criteria:

1. **Sixteen points** will be awarded for the payment of the district-adopted developer fees as provided by the Leroy F. Greene School Facilities Act of 1998. Full market value credit will be applied to a direct payment to the School District, for donated land, construction, or other services provided by a developer or project property owner that relate to provision of school facilities. (Ord. 1731, N.S. § 1, 2005)

2. Up to **six additional points** may be awarded to a project where:

At the time of application submittal or applicant commits as part of the first year of the first phase of the current application, a safe walking route exists or will be provided between the project site and existing or planned MHUSD schools. A safe route is defined as continuous sidewalks and/or paved pedestrian pathways, cross walks and caution signals at designated street intersections between the project and a school site.

The distance to a school is measured as the lineal distance a student would walk, from the average center point of housing in a project to the nearest entrance point of the nearest school grounds.

a. The project is within 3/4 of a mile of a school serving grades K through 3 and:

i. ~~The students are not required to cross railroad tracks, or a street that currently functions (based on peak hour level of service as determined by the Public Works Department) as a collector or arterial.~~ **(half point)**

ii. The students are not required to cross railroad tracks, or a street that is designated within the General Plan as a collector or arterial. **(half one point)**

b. The project is within 3/4 of a mile of a school serving grades 4 through 6 and:

i. ~~The students are not required to cross railroad tracks, or a street that currently functions (based on peak hour level of service as determined by the Public Works~~

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Department) as an arterial. **(half point)**

ii. The students are not required to cross railroad tracks, or a street that is designated within the General Plan as an arterial. **(one point)**

c. The project is within 1.5 miles of a middle/intermediate school and:

i. ~~The students are not required to cross railroad tracks, or a street that currently functions (based on peak hour level of service as determined by the Public Works Department) as an arterial unless the most direct street crossing can occur at a signalized intersection.~~ **(half point)**

ii. The students are not required to cross railroad tracks, or a street that is designated within the General Plan as an arterial unless the most direct street crossing can occur at a signalized intersection. **(one point)**

d. The project is within 1.5 miles of Live Oak or Sobrato high school. **(two points)**

e. Proposed development will be for senior citizens as defined in Section 51.2 of the State Civil Code. *All senior housing units shall include the following features: One zero-step entrance on an accessible route; all main floor interior doors, including bathrooms, with 32 inches of clear passage space; and a first floor bathroom usable for a person in a wheelchair.* **(six points)**

NOTE: For scoring purposes, the anticipated attendance area for an existing or planned school shall be as determined by the Board of Education and published by the School District as of September 15 of the fiscal year for each competition. A planned school is defined as a site designated by the School Board for a future school prior to September 30 of the fiscal year the competition is held. Scoring for a multi-year/phased development includes recognition of all pedestrian safety or traffic improvements provided in the initial or previous phases of the development. (Ord. 1731, N.S. § 1, 2005)

3. Up to **four additional points** may be awarded to a project which:

a. Provides off-site pedestrian safety improvements or traffic safety improvements, *including adjacent related roadway improvements* near a MHUSD school. Any proposed pedestrian and traffic safety improvements cannot be redundant of improvements committed to in other categories. The cost of the improvements must be valued at \$ ~~1100~~ **825** per point per unit. The pedestrian improvements and traffic safety improvements must be made to an elementary school within 3/4 of a mile (straight line distance) of the edge of project site or the same improvements can be made to a middle or high school within the City's Urban Service Area (*USA*). **(up to three two points for safety improvements in proximity to a school and up to two points for**

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safety improvements on roadways serving schools within the City's USA)

Note: The public improvements offered under the above section must be separate from the public improvements offered under Section B.2.f of the Public Facilities Category, Section B.3 of the Circulation Efficiency Category or ~~B.5~~ **B.4** of the Livable Communities Category. (Ord. 1731, N.S. § 1, 2005)

For safe walking route improvements, applicants must also provide a letter from each intervening property owner stating agreement to dedicate the required street right-of-way for the sidewalk or pathway improvements between the project site and the designated school. Improvements to establish a safe walking route must be completed prior to completion of the 20th unit in the development or completion of the project, whichever occurs first. (Ord. 1731, N.S. § 1, 2005)

~~b.—The project is located within a Community Facilities (Mello-Roos) District established by the Morgan Hill Unified School District to finance new school facilities. The proposed project phase(s) will only receive points in this category if their Mello-Roos payment exceeds by \$1100 or more per dwelling unit the Leroy F. Greene School Facilities Act (state-mandated) fees in effect on December 1st of the fiscal year of the competition. One point will be awarded for each \$1100 per dwelling unit the proposed project's average dwelling unit school fees costs exceeds the state-mandated per dwelling unit fees. (up to three points)~~

4. Provides an on-site community room that is specifically designed for and can be used for after school educational programs such as homework tutoring, music lessons, etc., and is available for use at no cost to the Morgan Hill Unified School District. ***For education instruction purposes, the size of the community room shall be a minimum 256 square feet plus 32 square feet for each expected student above 8 students, based on a student generation rate for the development calculated at .75 students per dwelling unit. The maximum room size, serving 30 students is 960 square feet. (two points)*** (Ord. 1731, N.S. § 1, 2005)

Note: Full market value credit will be applied to a direct payment to the School District, for donated land, construction, or other services provided by a developer or project property owner that relate to provision of school facilities. (Ord. 1731, N.S. § 1, 2005); Ord. 1677 N.S. § 1, 2004; Ord. 1575 N.S. § 1, 2002; Ord. 1517 N.S. § 1, 2001; Ord. 1486 N.S. §§ 1 & 2, 2000; Ord. 1404 N.S. § 1, 1998; Ord. 1346 N.S. § 1, 1997; Ord. 1304 N.S. §§ 1 & 2, 1996; Ord. 1228 N.S. § 2, 1995; Ord. 1179 N.S. §§ 5 & 6, 1994; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

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18.78.220 Open space.

A. "The provisions of public and/or private usable open space, and where applicable, greenbelts.

..... (20 points)"

1. The provisions of open space is desirable for the physical and mental well-being of the city residents, as well as preserving a rural atmosphere and invoking a positive reaction to the environment. These open spaces can then be used for both passive and active recreation for all age groups, while also preserving the environment for present and future generations to enjoy.

B. Standards and Criteria.

1. Open space areas are provided or maintained within the proposed development.

a. Provides open space buffer areas adjacent to freeway or arterial streets, measuring five feet in depth in excess of the zoning code requirements for **one point**, 10 feet in excess of the code for **two points**. (up to two points);

b. Public or private common useable open space is encouraged where neighborhood homeowners associations or other acceptable private maintenance entity can be used to coordinate their use and maintenance (~~three~~ **one point**);

c. Provides convenient access to public or private parks internal to the project where appropriate through the use of bicycle and pedestrian pathways. Bicycle and pedestrian pathways shall be located in areas no less than 20 ft. wide, with an average width of 30 ft. (for the entire length of the path). The pathway provided shall be paved or other suitable durable surface and a minimum of 7 ft. in width. The proposed pathway(s) cannot be redundant of public sidewalks. (one point)

d. Provides accessibility to existing or proposed public parks and open space areas outside the project boundary and encourages multiple uses and fee dedication of open space areas adjacent to flood control right of ways and recharge facilities. Points will only be awarded where the relevant public agency has provided written approval to allow access between the project and the aforementioned facilities. The access provided cannot be redundant of the public sidewalk. (one point).

Note: Requires public agency ownership or agreement to accept dedication of the land by the public agency.

e. Historical sites and landmarks on or adjacent to the project site are maintained in as natural state as possible with limited supportive development such as parking facilities,

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fencing, signing, etc. (up to two points) *Note: Placement of a historical plaque or marker only will be awarded one-half point)*

2. Provides a high ratio of total open space area. (A maximum of ~~eleven~~ *nine* points will be assigned under subsection a. of this criterion) (Ord. 1731, N.S. § 1, 2005)

a.	<u>Building Coverage (%)</u>	<u>Points</u>
	55 - < 60	1
	50 - < 55	2
	45 - < 50	3
	40 - < 45	4
	35 - < 40	5
	30 - < 35	6
	25 - < 30	7
	20 - < 25	8
	15 - < 20	9
	10 - < 15	10
	0 - < 10	11

b. Building coverage for vertical mixed use projects, projects in the CC-R district or projects zoned R-4 or similar high density zoning classification will be calculated as follows: (A maximum of *nine* points will be assigned under subsection b. of this criterion.) (Ord. 1731, N.S. § 1, 2005)

	<u>Building Coverage (%)</u>	<u>Points</u>
	90 - < 95	3
	85 - < 90	4
	80 - < 85	5
	75 - < 80	6
	70 - < 75	7
	65 - < 70	8
	60 - < 65	9
	55 - < 60	8
	< 55	9

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Building coverage is defined as that portion of the overall project master plan, exclusive of *sidewalks*, driveways and streets, which is covered by a building, parking lot or carport. *In projects with open plazas on a podium above ground level parking, the open plaza space shall be excluded from the calculation for building coverage.*

3. Downtown vertical mixed use projects will be awarded up to six points for a commitment to contribute toward a shared open space amenity such as a park, *green space along the creek* or downtown plaza.

a. In addition to the points available under Subsection B.4 below, a vertical mixed use project will be awarded three points for payment of a downtown open space amenity fee. The amount of the fee shall be equal to the most recent adjusted open space fee (see Note 1 below). Eligible projects that elect to pay double the fee will be awarded **six points**. (Ord. 1731, N.S. § 1, 2005)

4. There is a maximum of **six points** available in this category.

a. The project will receive **three points** for a commitment to purchase transferable development credits (TDCs) from property owners with land of greater than twenty percent slope. (Based upon the ~~cumulative project to date~~ ratio of one TDC for every twenty-five dwelling units proposed.)

b. Projects of ~~24~~ **50** units or less which do not provide a common area park or open space will receive **six points** for a commitment to purchase double TDC's.

c. Projects zoned R-2, R-3, or similar higher density classification will receive **six points** for a commitment to purchase double TDC's.

Note 1: In lieu of the TDC commitment, projects of ~~24~~ **50** units or less, Downtown Area projects and affordable project developments will be awarded **three points** for payment of an open space fee at the rate of \$36,880 per TDC *per twenty units*, or projects that elect to pay double the open space fee will be awarded **six points**. The amount of the open space fee shall be based on the average cost per dwelling unit for an equivalent TDC commitment as specified above. The open space fee shall be adjusted annually in accordance with the annual percentage increase or decrease in the median price of a single-family detached home in Santa Clara County. The base year from which the annual percentage change is determined shall be January 1, 2005. The base year may be adjusted by City Council Resolution prior to the filing deadline for each competition year. (Ord. 1731, N.S. § 1, 2005)

Note 2: Projects containing both single and multi-family zoning will be granted a proportional share of points for commitments to a. & c. above. Points will be granted based on a

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percentage of units within the various zoning districts within the entire overall project. For example, a project of 50 percent R-2 and 50 percent R-1 would receive 50 percent of the 6 points available under 4c. and 50 percent of the 3 points available for the single-family TDC commitment under 4a. for a total of 4.5 points (rounding will occur to the nearest half point). (Ord. 1731, N.S. § 1, 2005; Ord. 1677 N.S. § 1, 2004; Ord. 1575 N.S. §§ 2 & 3, 2002; Ord. 1517 N.S. §§ 2 & 3, 2001; Ord. 1486 N.S. §§ 3 & 4, 2000; Ord. 1438 N.S. § 1, 1999; Ord. 1404 N.S. § 2, 1998; Ord. 1346 N.S. § 2, 1997; Ord. 1228 N.S. § 3, 1995; Ord. 1179 N.S. § 7, 1994; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

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18.78.230 Orderly and contiguous development.

A. "The extent to which the proposed development accomplishes the orderly and continuous extension of existing development rather than "leapfrog" development, by using land contiguous to urban development within the city limits or near the central core and by the filling in on existing utility lines rather than extending utility collectors.

..... **(20 points)"**

For scoring purposes, "the central core" is the area illustrated on the Central Core Map, attached as Exhibit B and described generally as that area bounded on the west by Del Monte Avenue from Wright Avenue to Ciolino Avenue and by West Little Llagas Creek from Ciolino Avenue to Cosmo Avenue; on the east by the rail road tracks from the easterly prolongation of Wright Avenue to Main Avenue, by Butterfield Boulevard from Main Avenue to Dunne Avenue, and by Church Street from Dunne Avenue to the easterly prolongation of Cosmo Avenue; on the north by Wright Avenue and its easterly prolongation to Church Street.

1. A well-planned community is one which provides for the needs of its residents. Convenience, economy, and service are aspects which an orderly and contiguous development pattern can help facilitate.

B. Standards and Criteria.

1. Develops lands near the central core of the city as defined by Exhibit "B" to Measure "C" approved by the voters on March 2, 2004. There is a benefit for development to be within the central core area. However, it is recognized that the city does not have a well defined central core. Therefore, greater emphasis is to be given to contiguous patterns of growth. Projects within the core area will receive eight points. Projects located outside the core area will receive from **zero to seven points** depending on their relationship to the core area as shown below:

- a. Within central core, **8 points**,
- b. Within six hundred feet of the central core area, **7.5 points**;
- c. Within one thousand two hundred feet of the central core area, **7 points**;
- d. Within one thousand eight hundred feet of the central core area, **6.5 points**;
- e. Within two thousand four hundred feet of the central core area, **6 points**;
- f. Within three thousand feet of the central core area, **5.5 points**;
- g. Within three thousand six hundred feet of the central core area, **5 points**;

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- h. Within four thousand two hundred feet of the central core area, **4.5 points**;
- i. Within four thousand eight hundred feet of the central core area, **4 points**;
- j. Within five thousand four hundred feet of the central core area, **3.5 points**;
- k. Within six thousand feet of the central core area, **3 points**;
- l. Within six thousand six hundred feet of the central core area, **2.5 points**;
- m. Within seven thousand two hundred feet of the central core area, **2 points**;
- n. Within seven thousand eight hundred feet of the central core area, **1.5 points**;
- o. Within eight thousand four hundred feet of the central core area, **1 point**;
- p. Within nine thousand feet of the central core area, **½ point**;
- q. More than nine thousand feet from central core area, **zero points**.

Note: If any portion of a project is within the central core, as defined by the PO, that project shall be considered within the central core area. The distance from the central core shall be measured using the minimum distance between any portion of a parcel and the central core boundary measured in a straight line.

2. Fills in existing utility lines (requires no off-site extensions) and provides a contiguous pattern of growth. If water is available at the site and the water main is of sufficient capacity and supply to serve the proposed project and future development, the project will receive **one point**. If sewer is available to the site and the sewer main has sufficient capacity to serve the proposed project and future development, the project will receive ~~two~~ **one point**. If storm drains are of sufficient capacity to serve the project and are available to the site, the project will receive **one point**. If the project is located within the established response time standard of one fire station, the project will receive **one point**. If the project is located within the established response time standard of two or more fire stations, the project will receive **one additional point**.

3. A proposed development located within the existing urban service area which provides for orderly growth and urban in-fill is preferable and helps prevent premature urbanization of agricultural land. Projects that provide for orderly growth patterns throughout residential neighborhoods and compatibility with adjacent and nearby land uses are preferable. Projects that are located adjacent to land that has been developed or approved for development shall be scored as follows:

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- a. > 0 -- 20% Adjacent to existing development, **one point**
- b. >20 -- 40% Adjacent to existing development, **two points**
- c. >40 -- 60% Adjacent to existing development, **three points**
- d. >60 -- 80% Adjacent to existing development, **four points**
- e. >80 -- 100% Adjacent to existing development, **five points**

Adjacent development is defined as contiguous property located within MH's city limits, urban service area, or urban growth boundary (UGB) and which is developed to its ultimate potential according to the city's General Plan or zoning of the property, or at least substantially developed according to the General Plan or zoning. To be considered substantially developed, at least ninety-five percent of the contiguous land area must be committed or developed to its ultimate use. Contiguous property does not include streets, railroad rights-of-way, or parcels held in fee title by a public utility or public agency containing above or below ground utilities such as gas pipelines, electric power transmission lines, or major water distribution pipelines.

County lands dedicated as a public facility or encumbered with an open space easement, or contiguous property within MH's UGB committed to an ultimate land use such as a city park, developed school site, or private open space will also be considered as adjacent development. Open space lands which are owned in private must have a public open space easement recorded over the corresponding area. For scoring purposes, undeveloped property which by September 15th of the fiscal year the competition is held has received either final map approval, or tentative map and development agreement approval for projects with previously completed phase(s), or for which building permits have been issued, shall be considered to be developed property. The perimeter established for the complete (master-planned) project will be used to determine adjacency for every RDCS submittal. Where previously allocated phases of the same project have been developed or have received final map approval and are immediately adjacent to an otherwise undeveloped external boundary, that portion of the project's perimeter shall then be considered developed, provided the project is making satisfactory progress according to the approved development schedule (project is not in default). (Ord. 1731, N.S. § 1, 2005)

The percentage of a property that is adjacent to development shall be that percentage of the combined length of the subject property lines which is determined to be contiguous to

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adjacent development as defined in this subsection. The subject property is defined as a single parcel or contiguous parcels of record on which the proposed project would be located and shall include that portion of the subject property designated for future development. A designated remainder parcel shall not be considered a portion of the subject property except where development on all or a portion of the remainder parcel is proposed as part of the current project application.

4. A proposed development which is a subsequent phase of a previously approved project that has been awarded allotments provides for the continuous extension of existing development.

a. A proposed development which is a subsequent or final phase of a previously allocated development and consists of 40 dwelling units or less shall be awarded one point. **(one point)** (Ord. 1731, N.S. § 1, 2005)

b. A continuing project will receive **two points** if one half of the units allocated for the fiscal year the competition is held have been issued building permits and on-site improvements for those units have been completed by September 15, AND all prior phases are under construction or completed (excluding customs). **(two points)** (Ord. 1731, N.S. § 1, 2005)

OR

If a proposed development is a continuing project and does not have any allocations for the FY the competition is held, the project will receive **two points** if all previous phases (if any) are under construction. (Ord. 1731, N.S. § 1, 2005)

Note: To qualify for any points under paragraph B4, the proposed development at total build-out, shall not exceed the number of units proposed in the original Development Application from which the project had been awarded an initial building allotment, unless approved by the Planning Commission prior to the competition's application submission deadline. The number of units requested for each subsequent fiscal year shall be no more than 25% above any single highest year allotment for the proposed project to a maximum of 40 units. The 25% or 40-unit limit includes any units already allocated to the project in that fiscal year as a result of a prior fiscal year competition. For Subsection B4a and B4b above, all prior allotments must also have an approved development agreement and the project must be in compliance with said agreement. (Ord. 1731, N.S. § 1, 2005)

5. Project Master Plan design is above average in terms of addressing internal street circulation and access requirements, appropriate transition of lot size and density within the development and with surrounding developments, and aggregation and use of common open space areas. **(minus one point, zero, one or two points)**

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Note: Project Master Plan determined to be only satisfactory with respect to the above items will be awarded zero points. ~~Project Master Plan determined to be of a poor design will receive minus one point under this criterion.~~ A project will be awarded one point if no significant design flaws can be found, and the design gives strong consideration to the issues of circulation, access, density transitions, and the use of common open space. If a project master plan has two or more significant design flaws, it will be considered below average and one point will be taken away. A design flaw would be something that, at the subdivision stage, staff would ask to be modified or not recommend for Planning Commission approval. Significant design flaws would basically require the redesign of the master plan. For scoring purposes, that portion of an on-going project awarded a building allotment prior to October 1, 1999, shall not be considered within the Project Master Plan design, except where the inclusion of the earlier allocated phase(s) would result in a higher overall score. (Ord. 1731, N.S. § 1, 2005); Ord. 1677 N.S. § 1, 2004; Ord. 1575 N.S. § 4, 2002; Ord. 1517 N.S. § 4, 2001; Ord. 1486 N.S. §§ 5 & 6, 2000; Ord. 1438 N.S. §§ 2 & 3, 1999; Ord. 1404 N.S. § 5, 1998; Ord. 1346 N.S. §§ 3 & 4, 1997; Ord. 1228 N.S. § 4, 1995; Ord. 1179 N. S. § 8, 1994; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

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18.78.240 Public facilities.

A. "The provision of needed public facilities such as critical linkages in the major street system, or other vital public facilities.

..... **(10 points)"**

1. The public facilities which serve the Morgan Hill area can benefit by discriminate development which improves the existing systems. Many areas exist where improvements to the systems are needed. A proposed project should help alleviate the problem rather than aggravate it.

B. Standards and Criteria. (Maximum ten points)

1. A micro, small vertical mixed-use, or affordable project will receive **(three points)** if it meets all standard requirements for design and construction of public facilities. (Ord. 1731, N.S. § 1, 2005)

2. Installs public facilities of sufficient size to service the proposed development and future developments without the need to install supplemental facilities.

a. Grids water mains into the existing water system. **(two points)**

b. Drainage concept is consistent with the City's storm drain system. (e.g., the city's storm drain master plan, local area storm drain system). **(one point)**

c. Storm drain lines that are to be maintained by the city will be constructed entirely within the paved area of the street (curb to curb), or in a location acceptable to the Director of Public Works. **(one point)**

d. Storm drainage from the development is accommodated without the need for an on-site detention pond or open space retention areas, unless the on-site detention facility is appropriately located and sized so as to serve or coordinate with future area-wide or adjacent development. **(up to two points)**

Note 1. Applicants providing an oversized pond must supply information specifying how the pond sizing will address the area need and how other projects will be connected to the detention pond. The extra capacity provided must be stated in terms of the land area it can serve in acres and cubic feet. When the detention pond is not connected to other projects, the applicant must provide data satisfactory to the City's Public Works Department demonstrating the detention pond's benefit to other off-site projects. This shall be in the form of an agreement letter

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included the application submittal. **Over sizing must equal 50 percent of the project drainage area or 10 acres, whichever is greater, to receive maximum points.**

Note 2. Applicants who use a regional detention facility, a detention pond from another development, or a Santa Clara Valley Water District facility must supply an authorization/approval letter with their application.

e. ***Provides a pre-approved site within the project boundary for City municipal water well.*** Applicant will contribute \$ 1100 per unit to the Local Drainage Non-AB1600 fund for off-site storm drainage improvements, in addition to payment of standard fees. **YES ☐, or NO ☐** (Contingent commitments will not receive points) **(one point)**

f. Provides public facility, ***off-site storm drainage improvements*** or pedestrian improvements from a City-approved list or improvements on or adjacent to the project in excess of standard requirements, e.g., sewer, traffic control. In the Downtown Area, these improvements can include pedestrian amenities such as lighting, planters that function as seating, seating and railings to lean on, refuse and recycling bins, ***traffic calming features, contribution to a public art fund*** and gateway features, consistent with the Downtown Plan. **(maximum four points)** (Ord. 1731, N.S. § 1, 2005)

Note: Under this criterion, the applicant needs to explain how and why the offered public improvements exceeds the city standards. Furthermore, the cost of the offered public improvements and dedication shall be equal to or greater than \$ 1100 per unit per point. Should the offered dedication and improvements be redundant to those offered under Section B.3 of the Circulation Efficiency (CE) category, the value of the redundant improvements will be reduced by \$ 1100 per unit per point for each point awarded under Section B.3 in the CE category. For example, if redundant improvements are valued at \$ 3300 per unit here, and 2 points were awarded for them in CE, then only 1 point would be awarded for them here. The improvements offered here and in the CE category also cannot be redundant of those improvements offered in Section B.3.a of the Schools category or B.5 B.4 of the Livable Communities Category. (Ord. 1731, N.S. § 1, 2005)

Emphasis will be placed on improvements on or adjacent to the project but consideration will also be given to projects that provide improvements within one mile beyond their project

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boundaries. (one - four points)

g. Applicant will contribute \$ 1100 per unit to the ~~Public Facilities Non-AB1600~~ *RDCS Capital Improvements* fund. YES __, or NO __ (Contingent commitments will not receive point) (one point)

Note: Proposed developments must be assigned a minimum passing score of five points under this category in order to qualify for building allotments.

Scoring for a multi-year/phased developments includes recognition all public facility improvements committed to be installed in the initial or previous phases of development (project completed to date vis-à-vis improvements completed to date). The initial or previous phase of development must also be in compliance with the development schedule approved for the project. (Ord. 1731, N.S. § 1, 2005; Ord. 1677 N.S. § 1, 2004; Ord. 1228 N.S. § 5, 1995; Ord. 1179 N.S. § 9, 1994; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1049 N.S. § 1, 1991; Ord. 1034 N.S. § 1 (part), 1991)

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18.78.250 Parks and paths.

A. "Provision of parks, foot or bicycle paths, equestrian trails or pathways.

..... (10 points)"

1. The Morgan Hill area has many natural amenities that should be made accessible to its residents. Access should be made readily available by using a variety of methods, including foot and bicycle paths, and equestrian trails. By providing the opportunities to experience the areas natural amenities, a healthier attitude towards caring for and preserving the environment will be encouraged.

B. Standards and Criteria.

1. In lieu of dedicating land, projects of **24 50** units or less which are not providing parks are required to pay a fee to the city equal to the value of the land prescribed for dedication. The amount of park land dedication or in lieu fee must be consistent with the requirements contained in Chapter 17.28 of this code. For the land dedication to apply, the property must be deeded to the City for public park purposes. Not applicable to passive open space or landscape buffer areas deeded to a homeowners association. **(four points** for projects of **24 50** units or less which are not providing parks) (Ord. 1731, N.S. § 1, 2005)

2. Provides privately owned and maintained on-site recreational amenities which are of greater value and utility from the following list. ~~Projects of 15-24 units may select from any category of amenities to count toward the score.~~ Projects of **25-49 50 or less** units will receive credit for a maximum of one amenity from the one point category list. ~~To achieve maximum points, projects of 25-49 units must select additional amenities from either the two, three, or four point amenity categories.~~ Projects of **more than 50** units or more will only receive credit for amenities provided from the two point or higher point category lists.**(up to four points)**

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Site Recreation Amenities

<p><u>One point amenities:</u></p> <p>Shuffleboard Horseshoes Bowling green Open space turf areas Cabana or Shade trellis area Passive recreation area and/or gardens Passive water feature (e.g. fountain) Picnic/barbeque area</p>	<p><u>Three point amenities:</u></p> <p>Softball Field Sports Court Restroom area ½ scale Soccer Field Tot lots (age appropriate play equipment/minimum 3 activities) Basketball Court (2 hoops) Child wading pool</p>
<p><u>Two point amenities:</u></p> <p><i>Cabana or Shade trellis area</i> <i>Two picnic/barbeque areas</i> Volleyball court Outdoor racquetball/handball tilt-up wall Water feature (pond, creek area) <i>Artificial turf areas</i> Sauna Tree Grove as approved by the City's Architectural Review Board Community garden plots with water service ½ court basketball (one hoop) Bridle paths Bocce Ball Putting Green</p>	<p><u>Four point amenities:</u></p> <p>Child Care Facility Swimming Pool Tennis Court Recreation Hall Exercise Room Indoor racquet sports court Par 3 course and/or pitch and putt golf course</p>

Points will also be awarded for any proposed amenity found by the Planning Commission to provide recreation or meet the needs of the project residents to a level similar to provided by the above. Point values in the above chart are based on a ~~50-unit~~ project **50 units or less in size**. For projects of 51 to 100 units, divide the above values by two. For projects of 101 - 150, divide the above point values by three, etc.

3. Provides Class I bicycle pathways or equestrian trails along the project frontage,

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or provides pedestrian paths consistent with the City's Trails Master Plan or Downtown Plan in accordance with the overall community-wide and/or county-wide bicycle master plans. In areas where a Class I bike path is not required, the project provides necessary street improvements and striping for Class II bike lanes. The project must provide at least one quarter mile of Class II bike lane improvements for each 10 dwelling units within the project. **(one point)**

4. Projects located in the Downtown Area may be awarded up to three **one** point based on the following criteria:

a. The project provides **ground floor** mid block pedestrian connections through large buildings that provide access to public or private open space areas and plazas. For the criterion to apply, the pedestrian connection must be continuous and unrestricted **during business hours**. **(one point)**

~~b. The main project entries are oriented directly to the public streets to encourage connections through the existing network of sidewalks. **(one point)**~~

~~c. The project closes gaps in the pedestrian and bicycle network through replacement or extension of sidewalks, pathways or bike lanes beyond the project frontage. **(one point)**~~ (Ord. 1731 N.S. § 1, 2005)

5. Proposed project will contribute toward the creation of a neighborhood park by providing a coordinated development plan which locates on-site parks and other permanent open space areas so as to allow expansion of these areas into adjoining future developments. A conceptual plan showing how the future park expansion may be implemented must be included in the project application. The conceptual plan shall identify the park area, list the number of amenities and show the layout of the amenities in the proposed park. Where necessary or appropriate, the plan should also allow these areas to be jointly utilized for storm water detention serving the proposed project and future area-wide development. **(two points)**

6. In addition to payment of standard park fees, applicant will pay the lesser of double the required in lieu park fees or \$ 1100 per point up to \$ 3300 per unit. **(up to three points) or**

7. Applicant (projects of ~~24~~ **50** units or less who do not provide a park) will pay the lesser of triple the required in lieu park fees or \$ 1100 per point up to \$ 6600 per unit. **(up to six points)**

8. Public or private parks provided by the project exceed the dedicated land requirements stated in Chapter 17.28 of the Morgan Hill Municipal Code. **(one point if exceed**

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the requirement by 20%, **two points** if exceed by 30%, or **three points** if exceed by 40%, or **four points** if exceeds by 50%).

Note: The number of recreational amenities required pursuant to Section 18.18.060 shall be based on the total number of dwelling units within the project, including secondary dwelling units as defined in Section 18.04.164 of this title.

Scoring for a multi-year/phased development includes recognition all recreational amenities provided in the initial or previous phases of development (amenities provided to date vis-à-vis project completed to date). The initial phase of development must also be in compliance with the development schedule approved for the project. (Ord. 1731 N.S. § 1, 2005; Ord. 1677 N.S. § 1, 2004; Ord. 1575 N.S. § 8, 2002; Ord. 1517 N.S. §§ 6, 7 & 8, 2001; Ord. 1486 N.S. §§ 7 & 8, 2000; Ord. 1438 N.S. §§ 5 & 6, 1999; Ord 1404 N.S. § 6, 1998; Ord. 1346 N.S. § 6, 1997; Ord. 1228 N.S. § 6, 1995; Ord. 1179 N.S. § 10, 1994; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

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18.78.260 Housing needs.

A. "Provision of units to meet the city's need for low and moderate income and elderly housing and the extent to which such provision meets the goals of the housing element of the general plan, including the distribution of housing types to provide neighborhoods of ethnic and economic diversity.

..... (15 points)"

1. The city has an obligation to provide adequate housing for all segments of the population in a variety of lot sizes and dwelling types. It must do this in a fashion which creates diversified neighborhood environments and income groups, avoiding concentrations of any single income group in one particular residential neighborhood. A neighborhood mix of ethnic and economic diversity, as required by the housing element of the general plan will therefore be encouraged.

B. Standards and Criteria.

1. Provides affordable housing units for households ranging from very low to moderate income. Most units sold or rented at below market rates will receive increased density.

2. The project provides an additional 10 percent of its units as ~~moderate~~ **market** rate, **moderate income** homes. *To qualify as market rate, the unit must be sized to sell in the market to a moderate income household.* These units would not participate in the City's BMR program but would be in addition to the project's BMR commitment. The final sales price (at close of escrow) for the units will be based on HUD income limits for a family of 4 at the closing date. This criterion does not apply to projects awarded points under criterion B.4.b below. **(two points)** (Ord. 1731 N.S. § 1, 2005

3. The project will receive **six points** if it chooses to pay the standard housing mitigation fee computed at ten percent of the total project.

4. Affordable Units For Sale:

a. Projects are eligible to receive points in this category based on the percent and level of affordability of below market rate units built within the project. When in the process of determining the number of below market rate units required, there occurs a fraction of a unit, any fraction less than .5 shall be paid as a corresponding fraction or percentage of the per unit cost of the standard housing mitigation fee. In phased developments, developer may carry the fractional share forward into succeeding phases until the fraction reaches .5 or higher. Any fraction of .5 or greater shall be deemed a requirement for one additional below market rate unit. The developer

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however, may continue to carry the partial credit forward into the next phase(s) of the overall development. Refer to the following charts to compute points. (Ord. 1731 N.S. § 1, 2005)

P o i n t s	10% or Greater BMR Commitment		5% BMR Commitment		Allowable Density Bonus
	Percentage of BMR units	Percentage of BMR units	Percentage of BMR units	Percentage of BMR units	
	LOW	MEDIAN	LOW	MEDIAN	
15*					
13	5	8			15%
12	8	3			12%
12	10				10%

* Applicable to 100 percent affordable deed restricted projects. (Ord. 1731 N.S. § 1, 2005)

For projects that commit to provide a 5% low and 8% median income affordable commitment, in the final phase, where the fractional share of the low and median income units combine to equal .5 or above, the project shall be required to provide one additional median income unit as fulfillment of the project's overall affordable housing commitment. (Ord. 1731 N.S. § 1, 2005)

Affordable Units For Rent:

Applicable to 100 percent rental or non-profit agency sponsored project

P o i n t s	10% BMR Commitment		5% BMR Commitment		Allowable Density Bonus
	Percentage of BMR units	Percentage of BMR units	Percentage of BMR units	Percentage of BMR units	
	VERY LOW	LOW	VERY LOW	LOW	
15	10	0			10%
11	5	5			7%

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P o i n t s	Percentage of BMR units VERY LOW	Percentage of BMR units LOW	Percentage of BMR units VERY LOW	Percentage of BMR units LOW	Allowable Density Bonus
15	10	0			10%
7	0	10	5	0	4%

b. In lieu of BMR commitment, a Downtown Area project may be awarded points for overall housing affordability as follow:

i. 100% of the units are affordable to less than moderate income households **(8 points)**, **OR**

ii. 75% of the units are affordable to less than moderate income households and 25% of the units are affordable to less than median income households. **(10 points)** (Ord. 1731 N.S. § 1, 2005)

5. A project may also be awarded 13 points if at least 10 percent of the dwellings are affordable at below market rates and the BMR units are constructed in a joint venture with a non profit builder. The following criteria shall apply to the joint venture development:

a. A letter of intent signed by both parties must be included with the RDCS application.

b. The homes are to be built by the nonprofit agency through a self help building program or other applicable program approved by the City.

c. The project must provide an area for a minimum of 8 BMR units as part of the joint venture agreement. If 10 percent of the project is less than 8 dwelling units, allocations above 10 percent of the project may be drawn from the affordable allotment set-aside if available, to achieve the 8 unit minimum.

d. The price range and target income of the buyers shall be determined and approved by the City and non profit agency prior to the RDCS application.

e. The site and architectural plans for the affordable units shall be shown on the plans and shall be considered part of the market rate application.

Note: If the applicant and non profit agency are unable to obtain the necessary funding,

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allotments, or encounter other obstacles and are unable to produce the affordable housing through the joint venture agreement; then the applicant will be required to choose one of the other options to achieve 13 points under criteria B4 in this category. Any unused affordable building allotment transfer shall be returned to the affordable allotment set-aside category.

6. In addition to points awarded under criterion B.3 above, a Micro, Small, or any project having all lots in excess of 20,000 square feet, will receive **six points** if it chooses to pay double the standard housing mitigation fee computed at ten percent of the total project (including replacement units). (Ord. 1731 N.S. § 1, 2005)

Note: Proposed developments must be assigned a minimum passing score of eight points under this category in order to qualify for building allotments. (Ord. 1731 N.S. § 1, 2005; Ord. 1731 N.S. § 1, 2005; Ord. 1677 N.S. § 1, 2004; Ord. 1575 N.S. §§ 9, 10 & 11, 2002; Ord. 1517 N.S. §§ 9 & 10, 2001; Ord. N.S. 1486 § 9, 2000; Ord. 1438 N.S. § 7, 1999; Ord. 1404 N.S. § 7, 1998; Ord. 1346 N.S. §§ 7 & 8, 1997; Ord. 1323 N.S. § 38, 1997; Ord. 1228 N.S. § 7, 1995; Ord. 1179 N.S. § 11, 1994; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

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18.78.270 Housing types.

A. "The extent to which the proposed development itself consists of a diversity of housing types to meet the goals of the housing element of the general plan.

..... **(15 points)"**

1. In order to develop residential neighborhoods which have a mix of housing types, new residential construction should consider the existing composition of the neighborhood and plan its housing design accordingly.

B. Standards and Criteria

1. Provides for a diversity of housing types:

a. Utilizes a mix of the various housing categories to provide housing diversity as follows by housing type* (a maximum of **seven points, two points** per housing type, excepting the 15% single story housing type which is worth **three points**).

Note: Rental projects will receive **seven points**. Owner-occupied single-family attached, mixed-use CC-R zoned projects and multi-family R2 and R3 and R4 zoned projects will receive **five points** for one housing type, and **seven points** for two or more housing types. (Ord. 1731 N.S. § 1, 2005)

* Housing Types are defined as follows:

- Single-family detached
- Single-family attached (includes one and two unit condominium buildings).
- **Vertical mixed use**, multi-family rental or stacked condominiums or condominium units in buildings containing three or more units.
- Custom lots
- Mobile homes
- Secondary dwelling units
- Single story dwelling units (must represent at least 15% of the total dwelling units)
- **Visitability units***
- Small vertical mixed-use (applies only to projects of 15 units or less in size) (Ord. 1731 N.S. § 1, 2005)

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For the above determination, the number of units for a particular housing type when divided by the total number of units in the project must represent at least ten percent of the total number of housing units in the development (fifteen percent for single story units). The ten percent requirement would be in addition to any housing type used for below market rate (BMR) units. Single story BMR units may be counted toward the fifteen percent overall requirement for single story units. **Visitability units are accessible dwellings that have one zero-step entrance on an accessible route; all main floor interiors, including bathrooms, with 32 inches of clear passage space; and at least a half bath on the main floor usable for a person in a wheelchair.*

Note: The percentage requirements stated above are absolute figures. Rounding to the nearest whole number is not permitted. A minimum of 10 percent (fifteen for single story units) is required, i.e. rounding up to get 10 percent is not allowed.

b. Over and above the BMR units committed in this section, the project provides an additional 10% detached units in an R-2 project or an additional 10% attached units in an R-1 project or an additional 10% ownership (e.g., townhouse units) in an R-3 project. **(two points maximum)**

Projects that have both R-2 and R-1 zoning designations can receive one point for providing an additional 10% detached units in the R-2 project area and/or one point for providing an additional 10% attached units in an R-1 portion of the project.

Note: The 10 percent determination will be based on the overall project. For ongoing projects, this criterion will be applied to the remaining phases only. The percentage requirement stated above shall be an absolute figure, rounding to the nearest whole number is not permitted. A minimum of 10 percent is required, i.e. rounding up to get 10 percent is not allowed. This criterion only applies to for sale projects.

2. Provides for an economic diversity within the project.

a. The proposed project would augment the existing housing stock by providing housing which would be affordable under the income categories described below. A maximum of two points (or four points if for rent) may be awarded to projects which reserve a portion of the total units (see table below) as affordable to very low income households within 100 percent rental projects or low income (ownership units) in other projects.

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Note: A Micro, Small, or any project where all lots are in excess of 20,000 square feet, will receive **two points** if it chooses to pay the standard housing mitigation fee computed at ten percent of the total project (including replacement units), or **four points** if it chooses to pay double the housing mitigation fee.

For Sale Projects

10% or greater BMR Commitment

5% BMR Commitment

P o i n t s	Provides for 10%+ affordable units LOW	Provides for 10%+ affordable units MEDIAN	Provides for 5% affordable units LOW	Provides for 5% affordable units MEDIAN
4*				
2	5	8		
1.5	8	3		
1.5	10			

* Applicable to 100 percent affordable projects. (Ord. 1731 N.S. § 1, 2005)

Note: If the applicant and non-profit agency are unable to obtain the necessary funding, allotments, or encounter other obstacles and are unable to produce the affordable housing through the joint venture agreement; then the applicant will be required to choose one of the other options to achieve the 2 points in this (for sale) category. Any unused affordable building allotment transfer shall be returned to the affordable allotment set-aside category.

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For Rent Projects

	10% BMR Commitment		5% BMR Commitment	
P o i n t s	Provides for 10% affordable units VERY LOW/LOW	Provides for 10% affordable units LOW	Provides for 5% affordable units VERY LOW/LOW	Provides for 5% affordable units LOW
4	10	0		
3	5	5		
2	0	10	5	0

(Ord. 1731 N.S. § 1, 2005)

3. For single-family/ownership projects, the proposed project provides for a variation of housing sizes within the project. The proposed project provides at least a fifty percent variation in house size from the smallest to largest floor plan and each house size represents at least ten percent of the total units (**four points**). For purposes of making the above determination, there must be at least three (3) different floor plans and a one hundred twenty square foot difference between the sizes of each floor plan where the floor plans do not exceed 1,500 square feet (less than one hundred twenty square feet difference will be aggregated as one floor plan). Where the floor plans exceed 1,500 square feet, there must be a two hundred square foot difference between the sizes of each floor plan (less than two hundred square feet difference will be aggregated as one floor plan).

4. For ~~small-vertical-mixed-use~~, multi-family projects, and 100% affordable ownership projects, the variation will be based on number of bedrooms. A project which provides one bedroom units only, will receive **one point**. A project which provides a mix of one and two bedroom units or two bedroom units only, will receive **two points**. A project which

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provides dwelling units with a mix of one, two and three bedroom units or dwelling units with three or more bedrooms only within the development, will receive **four points**. Each bedroom category must represent at least ten percent of the total units. Affordable ownership projects must provide a minimum of three floor plans to be eligible for points under this criterion.

5. *For small vertical mixed-use and Downtown Area projects, the variation will be based on number of bedrooms. A project which provides of studio, one bedroom and two bedroom units will receive four points. A project which provides a mix of one and two bedroom units will receive three points. A project which provides dwelling units with two bedrooms only within the development, will receive two points. Each bedroom category must represent at least twenty percent of the total units. (Ord. 1731 N.S. § 1, 2005)*

Note: BMR units may not be used when determining housing size variations

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18.78.280 Quality of construction standards.

A. "Architectural design quality as indicated by the quality of construction and by the architectural elevations of the proposed buildings, judged in terms of architectural style, size, and height.

..... (15 points)"

1. The proposed project should create buildings that are responsive to the needs of its users and the environment, while also accomplishing it in an appealing and attractive manner. The overall project design should be compatible and harmonious with existing adjacent residential neighborhoods and land uses, while still maintaining its own special character.

B. Standards and Criteria.

1. Provides harmonious use of exterior building materials and varying front elevations with low repeat factors. A reverse floor plan does not count as a separate elevation. An elevation to be considered different must include significant modifications to the exterior appearance of the structure.

a. Floor plan & elevation repeats 0 -3.5 times: **one point**

For single family detached buildings, repeat factor is the total number of building lots divided by: the number of floor plans multiplied by the number of alternate elevations for each plan (i.e.: repeat factor = number of building lots/(floor plans)*elevations).

For single-family attached or multi-family buildings, repeat factor is the number of structures divided by: the number of different footprints times the number of alternate elevations for each footprint (must have a minimum of two elevations within the project).

For projects where all dwelling units are contained within a single building, the project will be scored as having no repeat elevations provided that each side of the building provides architectural interest consistent with the Design Review Ordinance (Chapter 18.74 of the Municipal Code) and Architectural Handbook and is designed consistent with requirements in the City's Downtown Plan (Downtown projects only).

2. Uses design and construction that conserve resources:

a. Provides for energy conservation through the use of energy-efficient building

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techniques, materials, and appliances, such that the buildings consume less energy than allowed by California's Title 24 Building Energy Efficiency Standards, as documented in the energy compliance reports submitted at the time of application for building permits. **(Maximum five points will be assigned under this criterion)** (Ord. 1731 N.S. § 1, 2005)

- ~~i. Uses EPA "Energy Star" labeled windows with low-e coatings and vinyl or metal frames, and includes installation of a high efficiency gas furnace of 90 percent efficiency rating or greater in all dwelling units. Applicant must specify how the 15 percent reduction in energy usage will be achieved. **(two points)**~~
- ii. Provides two separately zoned high-efficiency heating systems in units over 3000 square feet, and units less than 3000 square feet whose floor plans allow effective dual-zoning. For maximum points, at least 60 percent of the dwelling units in the project must be dual-zoned and all units must include the installation of high efficiency gas furnaces with 90 percent efficiency rating or greater. **(up to two points)**
- iii. Installation of air conditioning units with high efficiency condensing unit with a SEER rating of 12 or higher. Must be installed in more than 60 percent of the dwelling units in the project. **(one point)**
- ~~iv. Installation of a high efficiency gas furnace with an efficiency rating of 90 percent or greater, in all units. Applicable only to projects that do not provide for a reduction in energy usage below Title 24 standards as specified in B2a(i) or the separately zoned heating systems as specified in B2a(ii) above. **(one point)**~~
- ~~iii v.~~ Homes that utilize alternate energy sources, such as solar hot water, solar space heating or other energy saving methods not included elsewhere in the category. **(up to two points)** (Ord. 1731 N.S. § 1, 2005)
- ivi. Installation of a HERS (Home Energy Rating System) certified heating and air conditioning (HVAC) system with all duct work tested and certified to achieve a minimum 3 percent savings in the home energy budget. **(one two points)** (Ord. 1731 N.S. § 1, 2005)
- v. *Homes include all energy-efficient features under the P.G.&E. Energy Star New Homes Program. These features include tight construction and tightly sealed ducts; energy-saving windows; improved insulation; super efficient heating and air conditioning systems. **(4 points)***
- b. Provides for household water conservation through innovative building

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techniques that result in reduced water waste, and which exceed current city and state standards. For example, recirculating hot water system with demand pumping, or other water saving plumbing systems or features such as a separate grey water (recycled water) irrigation system *for household use*. Applicant must be specific in describing how the proposed system exceeds code requirements. Note: Not applicable to water conserving landscape irrigation systems such as sprinkler stations, timers or water saving sprinklers, etc. See scoring under Landscaping Category (~~up to~~ **one point**)

c. *Provides a grey water (recycled water) system for outdoor irrigation on at least 10 percent of the units. (up to one point)*

3. Uses materials and construction techniques that exceed current building requirements of the Uniform Building Code adopted by the city as follows:

a. Installation of cast-iron drainage pipe and piping insulation between floors for sound reduction of plumbing, and installation of future ready wiring concepts such as home running phone lines from all habitable rooms directly to main phone box rather than looping using RJ6 for television/video and high speed computer access, and CAT5R or equivalent for telephone lines. **(one point)**

b. Class A roof covering such as light weight concrete tile, architectural grade composition shingle or better and uses other materials and construction techniques that exceed current requirements, including, but not limited to glued and screwed sub-floors, insulation of interior walls for sound, TJI floor joists, and pre-plumb gas lines to dryer along with 220 volt outlet. Not applicable to foundation designs. Applicants must specify how the construction techniques would exceed code requirements **(one point)**

Applicant must be specific in describing how the proposed materials and construction exceed code.

4. Provides architectural variation and differentiation as follows:

a. Uses porches, balconies, for any area viewed from the public right-of-way or multi-unit courtyards interior to the project on at least 25% of units to promote a neighborhood feel **(two points)**

b. Uses at least two different roof lines and two different pitches throughout the project, i.e. gable, hipped, dormers, Mansard, etc. **(one point)**

c. Uses architecture and profiles and massing that conforms and works with the existing surrounding neighborhoods. Applicable only where a project adjoins an existing neighborhood on at least one side or twenty-five percent of the project's frontage. **(one point)**

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d. Provides a consistent level of architectural relief and detailing on all four building elevations. Where two-story rear and/or side-yard building elevations occur, architectural relief shall include some third dimensional design element such as bay windows, balconies, covered porches, decorative trellis, etc. In addition, each standard trim and base color must represent no more than 15% (project size permitting) of the project. **(up to two points)** (Ord. 1731 N.S. § 1, 2005; Ord. 1677 N.S. § 1, 2004; Ord. 1575 N.S. §§§§§ 14, 15, 16, 17 & 18, 2002; Ord. 1517 N.S. §§ 13 & 14 Ord. 1486 N.S. § 11, 2000; Ord. 1438 N.S. § 10, 1999; Ord. 1404 N.S. § 9, 1998; Ord. 1346 N.S. § 12, 1997; Ord. 1228 N.S. § 9, 1995; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

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18.78.290 Lot layout and orientation.

A. "Site design quality as indicated by lot layout, orientation of the units on the lots, and similar site design consideration.

..... **(15 points)"**

1. The overall project's site design quality is largely dependent upon the layout of the individual lots. Variations in lot sizes and configurations must take place to accommodate changes in natural terrain and street design, although this is not to be construed as meaning that areas of consistent terrain need not have lot variations. The variations in lot size, shape, and layout would encourage a corresponding variation in house designs and orientations. Site design will incorporate the utilization of the sun and wind to the greatest extent possible for heating and cooling purposes.

B. Standards and Criteria.

1. Provides good site design considerations in all lot layouts.

a. In context of the overall project, avoids excessively deep or narrow lots. The project also must provide side yards at least 20 percent in excess of the minimum required to avoid crowding and to enhance spatial relationships. **(one point)**

b. Provides building separations in apartment or condominium developments that are at least 20 percent in excess of minimum code requirements. **(one point)**

c. Avoids excessive use of sharp angled lots which waste land and constitute poor building sites. **(one point)**

d. Avoids creating lots which require driveways greater than 150 feet in length for access. **(one point)**

e. A sufficient transition in lot sizes, or building sizes in R-3 developments, is proposed in the site plan design to allow compatibility between existing and proposed neighborhoods. **(one point)**

f. Over-all excellence of lot layout. Layouts deemed to be average will receive **zero points**, above average layouts will receive **one point**, and superior layouts will receive **two points**.

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For scoring purposes points will be assigned as follows:

Average Project: A project requiring 2 or more major design changes, or which has 4 or more minor problems. **(zero points)**

Above Average Project: A project requiring 1 major design change, or which has 3 minor problems. **(one point)**

Superior Project: A project requiring no major changes and which has 2 or less minor problems. **(two points)**

~~This criterion shall not apply to that portion of the project awarded a building allotment prior to October 1, 1999, except where the inclusion of the earlier allocated phase(s) would result in a higher score.~~

2. Provides street design which complements lot layout and building orientation:
 - a. Locates streets and arranges units to provide park/open space area that is aggregated into large meaningful area(s) that are conveniently located within the development. **(one point)**
 - b. Locates streets, design lots, and arranges units to enhance neighborhood security by arranging a minimum of 75 percent of the units so that entrances are visible from the public right of way or private circulation areas. **(one point)**
3. Provides a variety of setbacks which complements the overall site design.
 - a. A minimum five-foot front setback variation is provided between adjoining units for single-family dwellings, and four-foot front setback variation is provided between adjoining buildings for multi-family developments. **(one point)**
 - b. A minimum five-foot rear setback variation for single-family dwellings, and four-foot rear setback variation for multi-family dwellings is provided between adjoining units. **(one point)**
 - c. The proposed project provides at least a four foot variation in standard lot widths (excluding cul-de-sac lots) and each lot width represents at least ten percent of the total lots. For purposes of making the above determination, there must be at least three different standard lot widths and at least a four foot difference in the width of each standard lot. **(one point)**
 - d. Uses garage placement to provide lot variation. At least 25% of Units have side-

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loading, detached, rear garages, or two car garages with tandem parking space to accommodate a third vehicle inside the garage. **(one point**, when 25% of the units have garage orientation as stated above; two points when 50% of the units have garage orientation as stated above). Multi-family developments may satisfy this criterion by locating garages, carports, and parking spaces at the side or rear of buildings at locations not visible from the public right-of-way. **(up to two points)**

4. Uses lot layout and design techniques that reduce noise. Such techniques where appropriate include increased setbacks, significant landscape buffer areas, sound insulation board in the building construction, placement of air conditioning units away from property lines and side yard areas to minimize noise impacts to adjoining dwellings, etc. **(up to two points)**

5. For projects in the Downtown Area, ~~third-story~~ building setback areas *above the second story* are articulated with design elements that provide visual interest, such as use of outdoor decks and balconies. **(one point)**

6. In the Downtown Area, the project addresses building to building variation in the façade and building space above through use of architectural details such as bay windows, decorative belt courses, moldings around windows, and planter boxes, etc., that span from one building to another. **(one point)**

7. Downtown area projects will receive one point for providing shared parking *(used jointly by residential and non-residential uses)* and/or rear parking lots. **(one point)** (Ord. 1731 N.S. §1, 2005; Ord. 1677 N.S. § 1, 2004; Ord. 1575 N.S. §§ 19 & 20, 2002; Ord. 1517 N.S. §§ 15 & 16, 2001; Ord. 1486 N.S. § 12, 2000; Ord. 1438 N.S. § 11, 1999; Ord 1404 N.S. §§ 10 & 11, 1998; Ord. 1346 N.S. § 13, 1997; Ord. 1228 N.S. § 10, 1995; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

18.78.300 Circulation efficiency

A. "Site and architectural design quality as indicated by the arrangement of the site for efficiency of circulation, on-site and off-site traffic safety and privacy.

..... **(15 points)"**

1. An efficient circulation system is one which accommodates various regular transportation modes (walking, biking, private automobile and public transit) in a safe and unified manner. Future residential areas should incorporate design elements whenever possible to make these forms of transportation more convenient and safe for the users.

B. Standards and Criteria.

Note: Project scoring in this section shall be based on the overall project master plan and shall include improvements completed in previous phases of the same development.

1. Streets, access ways and parking are designed for safe and efficient circulation.

a. Local streets or access-ways interior to the project are designed to discourage fast traffic using curvilinear roads or traffic control devices. **(one point)**

b. Provides for the future extension of streets for proper access or circulation to adjacent properties by providing one or more stubs or other improvement internal to the project. The future street extension(s) must be consistent with the General Plan or other adopted circulation plans. **(up to two points)** (Ord. 1731 N.S. § 1, 2005)

c. Provides for the future extension of drive aisles, or connections to shared access drives or adjacent parking lots. **(one point)** (Ord. 1731 N.S. § 1, 2005)

d. Interior streets and/or drive aisles are designed to meet all city safety and parking standards and allow for a looping pattern of circulation. **(one point)**

e. Eliminates existing stub or substandard streets. Frontage improvements will not apply to this criterion unless the improvements occur along an arterial or the project completes full width street improvements along the project frontage. **(up to two points)**

f. Avoids short blocks between existing and/or proposed streets. A short block is considered to be less than two hundred fifty two feet from centerline to centerline of streets. Within a project, an entry aisle less than two hundred fifty two feet from the entry is acceptable. This criterion is not applicable where a driveway and/or drive aisles and curb cuts are used to provide access to the entire project site. **(one point)**

g. Provides a minimum 20-foot clear view back-out distance between enclosed garage space and drive aisle. **(one point)**

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h. When possible, access to the project is provided from at least two separate streets. If access to separate streets is not possible, there must be a minimum of two hundred feet between access points to the project on the same street. **(one point)**

i. Provides appropriate landscape islands and entry monuments/gateway features. **(one point)**

j. Project provides circulation to facilitate emergency response and patrol as determined by the fire chief and police chief. Off-set intersections are avoided. The project shall include specific information to provide for turnarounds and secondary access proposal for phased projects. **(one point)**

k. Project provides public parking in the Downtown Area consistent with the Downtown Plan (i.e., at mid block areas between E. Second and E. Third and E. Third and E. Fourth Streets, on the east side of Depot Street, etc.) **(up to two points)** (Ord. 1731 N.S. § 1, 2005)

2. Promotes the privacy of residential neighborhoods.

a. Internal project circulation is designed for use primarily by local residents. **(one point)**

b. Street layouts are designed to avoid the creation of undesirable situations such as double frontages, utility easements in rear or side yards of private property, or developable land locked property. **(one point)**

3. Provides for dedication and improvement of extensions to existing streets and shared parking lots outside of the project boundaries. The cost of the offered dedication and public improvements shall be equal to or greater than \$1100 per unit per point. Should the offered dedication and improvements be redundant to those made under 2f. of the Public Facilities (PF) section, points will be awarded here first and then any excess applied to the PF section. For example, if \$1500 per unit of improvements were recorded in this section and in PF, 1 point would be awarded here and \$400 per unit would be available to add to any non-redundant improvements made under the PF category, under Section B.3.a of the Schools category or under B.5 B.4 of the Livable Communities category.

Projects which offer to complete adjacent or nearby off-site public facility improvements which were committed to be installed by another project under a previously approved application will not receive points for the same commitment. **(Up to two points)** (Ord. 1731 N.S. § 1, 2005)

4. In R-3 and higher density mixed use projects, the proposed development minimizes conflicting back out movements by using single loading streets or drive aisles to

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access individual parking spaces. **(one point)**

5. In R-3 and higher density mixed use projects, interior parks and recreation amenities are located away from parking lots and circulation aisles. **(one point)**

6. Projects located in the Downtown Area may be awarded **up to four points** based on the following criteria: (Ord. 1731 N.S. § 1, 2005)

a. The project provides **ground floor** mid-block pedestrian connections through large buildings that ~~provide access to public or private open space areas and plazas~~. For the criterion to apply, the pedestrian connection must be continuous and unrestricted **during business hours**. **(one point)** (Ord. 1731 N.S. § 1, 2005)

b. The main project entries are oriented directly to the public streets to encourage connections through the existing network of sidewalks. **(one point)** (Ord. 1731 N.S. § 1, 2005)

c. The project closes gaps in the pedestrian and bicycle network through replacement or extension of sidewalks, pathways or bike lanes beyond the project frontage. **(one point)** (Ord. 1731 N.S. § 1, 2005)

d. The project provides bicycle parking with racks at convenient locations near building entrances and bus stops. **(one point)** (Ord. 1731 N.S. § 1, 2005)

Note: For B.3 above, emphasis will be placed on improvements for dedicated extensions of existing streets within one mile of the project. (Ord. 1731 N.S. § 1, 2005)

Proposed developments must be assigned a minimum passing score of **seven points**, or a minimum of **5 points** for Downtown Area projects under this category in order to qualify for building allotments. (Ord. 1731 N.S. § 1, 2005; Ord. 1677 N.S. § 1, 2004; Ord. 1575 N.S. § 21, 2002; Ord. 1517 N.S. § 17, 2001; Ord. 1486 N.S. §§ 13 & 14, 2000; Ord. 1438 N.S. § 12, 1999; Ord. 1346 N.S. § 14, 1997; Ord. 1228 N.S. § 11, 1995; Ord. 1179 N.S. § 14, 1994; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

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18.78.310 Safety and Security

A. "Site and architectural design quality as indicated by the amount of private safety and security provided in the design of the individual structures.

..... (10 points)"

1. Residential structures should create the feeling of comfort and peace of mind by using design and materials that increase safety and security. The lighting, glazing, and positioning of non-private or semi-private areas, and access areas must facilitate their natural surveillance by residents and formal authorities.

B. Standards and Criteria.

1. Enhances safety and security as follows:

a. Provides fire escape ladders for upper floor bedrooms and one mounted fire extinguisher (rated 2A10BC) for up to the first 1,500 square feet of floor space, and one additional extinguisher for each additional 1,500 square feet of floor space or fraction thereof.

(1/2 point)

b. Provides a first aid kit with a poison control document to be installed in the kitchen area of the home. (1/2 point)

c. Any other fire protection device or construction technique approved by the fire chief not already required according to the Uniform Fire Code. (1/2 point).

d. Provide outdoor lighting to meet all police department specifications. (1/2 point)

e. Install illuminated address numbers for each unit and painted reflective curb numbers where possible. (one point)

f. Any other intrusion protection device or construction technique approved by the police chief. (1/2 point)

Note: Application must stipulate that the reflective painted curb addresses will be maintained by a homeowners association. A Small or micro project will receive **one point** without the requirement for painted curb addresses.

2. Use of noncombustible siding materials in the following manner:

a. **One point** when noncombustible siding is used on at least 50 percent of the total units and on at least 50 percent of the siding of an individual unit, or;

b. **Two points** when noncombustible siding is used on at least 50 percent of the total units and comprises at least 75 percent of the siding of an individual unit, or;

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c. **Two points** when noncombustible siding is used on at least 75 percent of the total units and comprises at least 50 percent of the siding of an individual unit.

3. Installation of an intrusion, fire alarm and heat detector system, monitored by a central station, or to include auto dialer which meets City ordinance. For multi-family projects, points will be awarded for a fire alarm system without central monitoring, and NO intrusion system. **(two points; three points** when the developer includes a one-year monitoring contract with the home purchase and commits to deliver to the homeowner a City specific responsible listing card that the City Police Department can keep on file)

4. Provides residential fire sprinkler system according to NFPA Chapter 13D specifications. **(three points)**

5. Neighborhood Emergency Preparedness Program administered through a homeowners association or central property management. **(one point)**

6. Developer to provide a hardwired carbon monoxide detection device or devices with battery backup. The installation of the devices are to be located per manufacturer's requirement with at least one detector per floor of the residence. **(one point)**

7. The developer shall include provisions in the Covenants, Conditions and Restrictions (CC&R's) of the Homeowner's Association which directs a Board representative to the City of Morgan Hill Police Department's Community Service Officer to enact a neighborhood watch program to be established as part of the first phase of the development. For rental projects, neighborhood watch programs shall be administered through a central property management. **(one point, criterion does not apply to small or micro projects)**

NOTE: Proposed developments must be assigned a minimum passing score of **five points** under this category in order to qualify for building allotments. (Ord. 1677 N.S. § 1, 2004; Ord. 1575 N. S. § 22, 2002; Ord. 1517 N.S. § 18, 2001; Ord. 1486 N.S. § 15, 2000; Ord. 1346 N.S. § 15, 1997; Ord. 1228 N.S. § 12, 1995; Ord. 1179 N.S. § 15, 1994; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1049 N.S. § 2, 1991; Ord. 1034 N.S. § 1 (part), 1991)

18.78.320 Landscaping, screening and color.

A. "Site and architectural design quality as indicated by the amount and character of landscaping and screening and color of buildings..... **(10 points)**"

1. All trees, shrubs, ground cover, walls and fences, mounding, landscape furniture, paths, lighting, etc., should be compatible with the topography and other characteristics of the site, the character of adjacent quality landscaping, and the architectural features of adjacent structures. Efficiency in exterior design and landscaping is an important part of the character of a home. A gain can be made in terms of heating and cooling, noise abatement and pest control. The functions of plants should be the basis for their use in environmental design.

B. Standards and Criteria. **(Maximum ten points)**

(Note: Custom lots and custom lot developments may receive points in pertinent sections below where landscaping will be provided by the lot owner. This requires development agreement commitments being recorded against each such lot, including a statement that landscaping requirements must be in place or bonded prior to receiving City approval for occupancy.)

1. Uses landscaping techniques that enhance the quality of the site.

a. Applicant agrees to provide twenty-four inch box-size trees, *including street trees* from a city approved list, with a minimum height of nine feet and a spread of three to four feet. The box-size trees will be provided within the development at a ratio of one box-size tree per ten trees provided with the landscape area to be installed by the developer. The one box size tree per ten trees calculation does not include street trees. **(one point)**

b. Provides sufficient planting around all necessary and appropriate group parking to achieve shading and visual screening as viewed from the public street. **(one point)**

c. Varied front yard landscaping plans are installed by the developer. For multi-family projects, this criterion shall apply to vary landscaping installed along the project frontage and for the landscaping installed in front of the buildings in the interior portions of the project. **(one point)**

d. Deciduous trees will be planted along the south facing side of homes or buildings to conserve energy by giving shade in the summer and maximum solar gain in the winter. **(one point)**

~~e. All street trees are twenty-four inch box trees from the city approved list. **(one point)** (Ord. 1731 N.S. § 1, 2005)~~

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e. Project provides or conforms to a Street Tree Master Plan that addresses tree selection, location of trees on each lot, proper tree spacing, and preservation of any existing trees (excluding orchard trees). **(one point)** (Ord. 1731 N.S. § 1, 2005)

2. Landscape planting and irrigation systems are designed to conserve water usage.

a. Drought tolerant grasses are used for lawn areas and no more than twenty-five percent of the landscape area is covered with lawn. The twenty-five percent lawn coverage calculation is exclusive of landscape area within parks. **(half point)**

b. Automatic irrigation systems utilize separate valves and circuits for trees; shrubs and ground covers; and lawn areas. Minimum of three separate valves required. A separate valve shall be provided for the following areas: front lawn, rear lawn, and for trees, shrubs and groundcover (combined) where viable. If trees, shrubs, and groundcover cannot be combined under 1 valve, a separate valve for trees shall be provided, resulting in a minimum of 4 separate valves required. Water conserving irrigation system is also used within the development, i.e., drip irrigation. **(half point)**

c. The landscape to be installed by the developer will include *pervious* hardscape coverage such as decorative paving, wood decking, decorative stone and similar non-irrigated areas on at least fifteen percent of the landscape area. Pedestrian walkways across circulation aisles are not included in this item. **(half one point)**

d. ~~For at least 75% of all plant material, uses water-conserving plants contained on the Selected Plant List, Appendix A of the City Water Conservation Landscape Guide.~~ *All other planting in non turf areas shall be composed of low to moderate water use plants identified in Water Use Classification of Landscape Species Guide or East Bay Municipal Utilities District's Plants and Landscape for Summer-Dry Climates of the San Francisco Bay Region or other species, including native plants, that are well adapted to the climate of the region and require minimal water once established.* **(half one point)**

e. Uses a separate water source (e.g., well, import or recycled water) to irrigate common area landscape areas and front yard areas that are maintained by a homeowners association. **(up to two points)**

f. Project connects to an existing water supply separate from the City's water system (e.g., an off-site irrigation well) for landscape irrigation. Applies to small and micro projects only. **(one point)**

3. Landscaping is installed on all areas visible from public and private rights-of-way. **(one point)**

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4. Project uses pervious pavement in all open parking lots, driveways and sidewalk areas to minimize drainage runoff. Project must be located in an area of rapid soil permeability for criterion to apply. **(two points)** (Ord. 1731 N.S. § 1, 2005)

5. Downtown Area project uses building color to enhance architectural details and add to the visual interest of facades. **(one point)** (Ord. 1731 N.S. § 1, 2005; Ord. 1677 N.S. § 1, 2004; Ord. 1517 N.S. § 19, 2001; Ord. 1438 N.S. § 13, 1999; Ord. 1346 N.S. § 16, 1997; Ord. 1304 N.S. § 3, 1996; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

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18.78.330 Natural and environmental features.

A. "Site design quality in adapting the development to the setting, including the preservation of vegetation, trees, natural terrain, and other natural and environmental features.

..... (10 points)"

1. The proposed development should always adapt itself to the environment rather than vice-versa. The residences and supportive infrastructure shall be designed with nature in mind, by following the natural form of the land, preserving unique natural features and environmentally sensitive areas, arranging building sites around existing trees, and "blending in" the development to the surroundings.

2. A high quality project is one that uses what is available but also improves the total environment for the people who live within and nearby.

B. Standards and Criteria.

1. The proposed development utilizes environmental preservation techniques.

a. Foundation types are designed to minimize grading of the site and road alignment follows and maintains existing ground elevation to the greatest extent possible. Minimal grading is considered a fill or excavation of less than two feet in depth (three feet is acceptable for detention ponds). **(one point)**

b. Restricts the amount of runoff caused by impervious surfaces and the covering of land area suitable for percolation *or uses bio-swales* where applicable. **(one point)**

c. Each building site preserves significant trees as defined in Section 12.32.020G of the Morgan Hill Municipal Code, but also allows enough flexibility in the final location of the final house design to fit the house to individual trees and detailed grade characteristics. **(one point)** **Note:** Requires an arborist report to confirm that the tree(s) are significant and the condition or health of the tree(s) are suitable for preservation. (Ord. 1731 N.S. § 1, 2005)

d. Preserves the natural setting by locating park or common open space areas around significant trees. **(one point)** (Ord. 1731 N.S. § 1, 2005)

e. *Conserves the water supply by use of artificial turf instead of natural grass and provides a grey water system for outdoor irrigation. (up to two points)* ~~Considers, preserves or improves natural conditions on or adjacent to the site such as wildlife habitats, streams, those watercourses the Santa Clara Valley Water District recognizes as creeks (Llagas, Little Llagas, Fisher, and Coyote creeks) when appropriate and preserves riparian habitats in a natural state.~~

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Scoring will be as follows:

- ~~_____ i. Project has such a site and does NOT preserve/improve it. (minus one point)~~
- ~~_____ ii. Project has no such site. (zero points)~~
- ~~_____ iii. Project has such a site and preserves and improves the natural conditions. (up to two points)~~

~~(Note: Only improvements made to an on-site area qualify for maximum points.)~~

2. The proposed development creates an environment that enhances the quality of life for the people who live in the development and the local neighborhood.

a. Uses design and layout techniques that give individuals maximum privacy within and outside the homes. Such techniques include the off set of windows between units, alternating outdoor patio areas and entrance and consideration of fence height in relation to grade changes. **(one point)**

b. Uses various site development practices to protect existing open space, hillsides, and agricultural land *and appropriate development next to creeks consistent with the Downtown Plan (Downtown projects only) and consistent with the Santa Clara Valley Water District's Guidelines and Standards for Land Use Near Streams* with maximum points awarded for the protection of areas external to the project. **(up to two points)**

c. Arranges buildings, access-ways and locates parking areas and open space to minimize the use of sound walls next to the freeway, the railroad tracks, arterial or collector streets. **(two points)**

3. Project reduces construction waste sent to landfill sites by agreeing to implement at least two of the following recycling methods during construction: **(one point)**

- i. Dry wall is source separated and recycled;
- ii. wood waste is source separated for recycling or composting;
- iii. cardboard containers and boxes are source separated and recycled.

4. ***Project provides for use of alternative energy sources:***

a. At least 50% of the homes include solar electric panels for *alternative* power generation providing at least ~~25~~ 50% of the home electricity requirement. **(one point) or**

b. *All homes provide for use of alternative power generation providing at least 50% of the home electricity requirement. (two points)*

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5. Project incorporates the following Green Building Design Concepts:
 - i. Uses certified Forest Stewardship Council (FSC) plywood **(1/2 point)**
 - ii. Uses building insulation with minimum 25% recycled content **(1/2 point)**
 - iii. Uses light exterior roof colors to reflect the sun's heat. **(1/2 point)**
 - iv. Uses low to zero emission volatile organic compounds (VOC) and adhesives. **(1/2 point)**. (Ord. 1731 N.S. § 1, 2005; Ord. 1677 N.S. § 1, 2004; Ord. 1517 N.S. § 20, 2001; Ord. 1438 N.S. § 14, 1999; Ord. 1404 N.S. § 12, 1998; Ord. 1346 N.S. §§ 17 & 18, 1997; Ord. 1228 N.S. § 13, 1995; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

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18.78.335 Livable Communities.

A. "The extend to which the proposed development exhibits overall project excellence and/or incorporates or otherwise embodies the concept of Livable Communities, such as proximity to transit, pedestrian orientation, efficiency of street system, mixed use, infill and maximization of use of existing infrastructure.

..... (10 points)"

B. Standards and Criteria

1. Proposed project phase(s) are subjectively judged by the Planning Commission to be superior with respect to overall project excellence. (**two points** when awarded by a super majority of the voting members, or **one point** when awarded by a majority of the voting members of the Planning Commission)

Note: The determination of project excellence will include input from the Building and Planning Divisions and the Public Works Department regarding the performance of the developer during any previous building permit processes. The timeliness and accuracy of the application submittal by the developer for any previous project will be an important consideration. Negative performance factors include more than two plan checks and/or projects which submit for building permits prior to ARB approval and prior to application for Final Map approval. No recommendation will be provided for developers who have not previously built in the City.

~~2. Provides low maintenance on-site walkways and on-site bike paths throughout the development to maximize their use and promote safety. This criterion does not apply to city standard sidewalks, or where the provided path is adjacent to city standard sidewalks. (one point)~~

3 2. Encourages the use of public transportation in residential areas by constructing bus shelters, benches, reinforced street sections or bus pullout areas **and** these improvements are located on an approved or planned Valley Transportation Agency (VTA) transit route and accepted by the VTA for maintenance. A letter from the VTA shall be submitted confirming VTA's acceptance and maintenance of the proposed bus stop. For planned bus routes, the VTA

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letter shall provide confirmation of the future bus route extension. This criterion may apply to a bus stop constructed in the initial or previous phase that would serve subsequent phases of the same development. **(one point)**

4 3. Project is located within a quarter mile walking distance of the bus stop or other transit facility (the W. Main/Hale Park & Ride Facility, Caltrain Station or Route 68 regional transit line). **(two points; one point** if the project is within ½ mile walking distance of the above transit facilities or a ¼ mile of other approved bus routes)

5 4. Provides access to stores, services, schools, employment areas by constructing sidewalks where it does not currently exist within a quarter mile of the development. The cost of the sidewalk improvements shall be equal to or greater than \$1100 per unit per point. A value greater than \$1100 per unit can be credited to other categories (Schools, Public Facilities or Circulation) **(one point)**

6 5. Creates a continuous building frontage along the streetscape with buildings fronting on public streets, and applies the Valley Transportation Authority's standards for walking distance to amenities such as stores, services, schools and major employment centers. **(one point)**

7 6. Project is designed as "vertical mixed use" with retail/commercial on the ground level and residential above. Larger mixed use projects that combine commercial and residential uses will receive **maximum points** in this category only to the extent that the residential and commercial uses are well integrated with each other, sufficient pedestrian connections between uses exist and parking ~~fields~~ *lots* are minimized from the public view **(up to two points)**

8 7. Builds to planned densities. Downtown Area projects that build in the upper one third of the allowable density range will be awarded two points; projects that build to the upper 15 percent of the density range will be awarded **three points**. (Ord. 1731 N.S. § 1, 2005)

9 8. Projects in the Downtown area are designed to fill in on existing utilities and require no new streets or infrastructure improvements. The existing infrastructure (sewer, water, storm drain and streets), must be of sufficient capacity to serve the development. **(two one point)** (Ord. 1731 N.S. § 1, 2005)